REMARKS

Claims 1-33 are pending in this application. Claims 1, 3-12, 14-22 and 24-32 stand rejected and claims 2, 13, 23, and 33 are objected to. Applicant wishes to thank the Examiner for the indication of allowable subject matter in claims 2, 13, 23, and 33, but refrains from rewriting those claims in independent form until final resolution of the claims from which they depend. In light of the remarks set forth below, Applicant respectfully submits that each of the pending claims is in immediate condition for allowance.

Claims 1, 3-6, 9, 10, 22, 24-27, and 30-32 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,570,872 ("Beshai") in view of "Minimum cost wavelength-path routing and wavelength allocation using a genetic-algorithm/heuristic hybrid approach" ("Sinclair"). Applicant respectfully requests reconsideration and withdrawal of this rejection.

To establish a *prima facie* case of obviousness, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify a reference or combine references to arrive at the claimed subject matter. The prior art references must also teach or suggest all the limitations of the claim in question. See, M.P.E.P. § 706.02(j). A reference can only be used for what it clearly discloses or suggests. See, In re Hummer, 113 U.S.P.Q. 66 (C.C.P.A. 1957); In re Stencel, 4 U.S.P.Q.2d 1071, 1073 (Fed. Cir. 1987). Here, the references, whether taken individually or in combination, do not disclose or suggest the invention claimed by the Applicant.

Among the limitations of Applicant's independent claims not present in the cited references is a module state database for storing module cost data of said first and second modules and module cost data of other network nodes; [and] a link state database for storing link cost data of said communication links."

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The Office Action asserts that this feature is shown in Beshai at column 13, lines 12-40. Applicant respectfully disagrees. The cited portion of Beshai refers to the controller maintaining a matrix of the free capacities of the modules in the system. One row of the matrix stores each module's available capacity on channels connecting the modules to the core and the second row of the matrix stores the available capacity on channels connected to the core in each module. When connection requests are sent from a module to the global controller, the corresponding entries in the matrix are examined. If the entry is smaller than the connection request, the connection request is placed on standby. Otherwise, the connection request is entered in a connection request cue and the module state matrix is updated to reflect the use of the new request. However, Beshai fails to disclose the explicitly recited state database storing module cost data and a link state database storing link cost data. Thus, Beshai fails to disclose these features.

Additionally, the following structural and functional differences exist between Beshai and the pending claims.

In Beshai, data switch 83 can be eliminated and tandem data switching is performed at the edge modules as indicated by the dashed line 88 of Fig. 1b, column 7, lines 19-25. In other words, data switch 83 and channel switch 82 can be regarded as having the substantially same switching functions.

However, the present invention differs that (1) GSM 27 and CSM 26 are connected between input ports and output ports of the switching system 25, and have a different routing unit from each other, and (2) switch modules 84 are connected direct to transmission lines and are identical in function. Thus, for this additional reason Beshai is unlike the pending claims.

The inclusion of Sinclair fails to cure the deficiency in Beshai discussed above. In Sinclair, separate models for links and nodes are required to optimize routing

based on minimum cost. However, Sinclair fails to disclose the explicitly recited state databases in Applicant's claims which are not disclosed in Beshai. Therefore, Applicant respectfully submits that independent claims 1, 12, 22, and 32 are allowable over the cited references.

Applicant has responded to all of the rejections and objections recited in the Office Action. Reconsideration and a Notice of Allowance for all of the pending claims are therefore respectfully requested.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

If the Examiner believes an interview would be of assistance, the Examiner is welcome to contact the undersigned at the number listed below.

Dated: March 13, 2006   Respectfully submitted,

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